

10/633,402

PATENT

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Applicant: Suzanne V Klimberg et al.

Examiner: Kevin Weddington

Serial No.: 10/633,402

Group Art Unit: 1614

Filed: August 1, 2003

Docket: 781.020US1

Title: IMPROVED TREATMENT OF CANCER WITH GLUTAMINE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is in response to the Restriction Requirement mailed August 31, 2004.

In the Restriction Requirement, the Examiner required that Applicants elect one of the following inventions:

Group I, Claims 6-14 and 44-58 are drawn to a method of protecting non-mucosal tissue against damage from radiation therapy with glutamine, classified in class 514, subclass 563.

Group II, Claims 19-26 and 44-58 drawn to a method of reducing or preventing pain arising from a non-mucosal tissue with the administration of glutamine, classified in class 514, subclass 563.

Applicants provisionally elect with traverse the claims of Group I, claims 6-14 and 44-58 drawn to a method of protecting non-mucosal tissue for radiation damage.

The Restriction Requirement is traversed on the basis that certain of the claims subject to restriction are so closely related with the context of the disclosure of the application that they are not properly considered independent and distinct within the statutory meaning of 35 U.S.C. §121.

More specifically, the Examiner is requested to note that both groups of claims are classified in Class 514, subclass 563. While the claims are not of identical scope, a search of Group I will necessarily locate the art relevant to Group II, and vice-versa. Therefore, since restriction requirements are optional and such a search would not place any extra or undue burden on the Examiner, withdrawal of the restriction requirement is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6903 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SUZANNE V KLIMBERG ET AL.

By their Representatives,

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Date 29 Oct 04

By W. D. Woessner

Warren D Woessner
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of October, 2004.

Name Dawn M. Poole

Signature Dawn M. Poole